

Article - Health - General

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§21-211.

(a) By the issuance, denial, or suspension of permits as provided in this section, the Secretary may regulate the distribution in this State of any class of food that may be contaminated with microorganisms.

(b) (1) The Secretary shall adopt rules and regulations that provide for the issuance of permits to food manufacturers, processors, or packers in any locality if, on investigation, the Secretary finds:

(i) That the distribution in this State of any class of food manufactured, processed, or packed in that locality may be injurious to health because of possible contamination with microorganisms; and

(ii) That the danger imposed by the food normally would not be determinable after the food has entered commerce.

(2) For whatever temporary period of time that may be necessary, the rules and regulations shall specify the conditions necessary to govern the manufacturing, processing, and packing of the class of food in question in order to protect the public from the dangers imposed by that food. These conditions shall be attached to and be considered part of any permit that is issued under this section.

(c) A person may not introduce or deliver for introduction into commerce in this State any food that was manufactured, processed, or packed by an establishment that was required by rule or regulation adopted under this section to hold a permit, unless each manufacturer, processor, and packer of the food held the required permit.

(d) (1) At any reasonable time, a representative of the Secretary may enter any establishment that holds a permit issued under this section and inspect the establishment to determine if it is in compliance with the permit conditions.

(2) If access for inspection is denied to a representative of the Department who is acting under this subsection, the Secretary may suspend the permit of the establishment involved until access is allowed.

(e) (1) If the Secretary finds that an establishment has violated any condition of a permit issued under this section, the Secretary may suspend the permit immediately after giving notice to the permit holder.

(2) The holder of a suspended permit may apply to the Secretary at any time for reinstatement of the permit.

(3) On receipt of an application for reinstatement, the Secretary shall hold a hearing and have the establishment inspected.

(4) If the Secretary finds that adequate measures have been taken to assure compliance with the permit, the Secretary immediately shall reinstate the permit:

(i) As originally issued; or

(ii) With any amendment that, under the provisions of this section, the Secretary considers proper.

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